



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460**

JAN 29 2014

OFFICE OF WATER

Mr. Manuel Quinones
Environment & Energy Publishing, LLC
122 C Street, NW
Suite 722
Washington, DC 20001

Re: Freedom of Information Act Request EPA-HQ-2013-006137

Dear Mr. Quinones:

This is in response to your Freedom of Information Act (FOIA) request submitted to the U.S. Environmental Protection Agency (EPA) on May 3, 2013, and subsequently clarified on May 21, 2013, to include documents related to the Enhanced Coordination Procedures (ECP) developed by the Department of the Army and the EPA for the review of proposed Clean Water Act Section 404 permits for surface coal mining operations in Appalachian states. As you are aware, the EPA provided you with an interim response to this FOIA request on June 4, 2013, which included responsive documents previously available to the public on the EPA website. Enclosed with this letter are the final remaining documents responsive to your request.

The following documents are exempt from mandatory disclosure and are withheld by virtue of 5 U.S.C. § 552(b)(5) as inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the Agency:

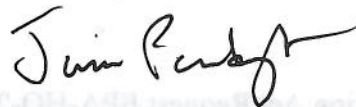
- Approximately 100 documents under FOIA Exemption 5, attorney-client privilege, consisting of internal emails between or among EPA attorneys and EPA staff or management related to formulation of the ECP;
- Approximately 1,300 documents under FOIA Exemption 5, deliberative process privilege, consisting of internal and external emails containing general deliberative materials including, but not limited to, internal meeting materials, talking points, draft correspondence, draft media materials, and pre-decisional communications related to formulation of the ECP.

You have the right to appeal this determination. Submit your written appeal to the National Freedom of Information Officer at U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania

Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOIA number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Thank you for your interest in this matter. If you have any questions, please contact Timothy Landers at 202-566-2231 or by email at landers.timothy@epa.gov. This concludes the EPA's response to FOIA number EPA-HQ-2013-006137.

Sincerely,



Jim Pendergast, Acting Director
Wetlands Division